

On December 8, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned peas at New York, N. Y. On December 11, 1934, the United States attorney for the Eastern District of New York, filed a libel against 997 cases of canned peas at Brooklyn, N. Y. The libels alleged that the article had been shipped in interstate commerce in various shipments on or about November 17, 20, and 22, 1934, by the G. L. Webster Co., Inc., from Cheriton, Va., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blue Dot Brand [or "Tower Hill Brand"] Early June Peas * * * Packed by G. L. Webster Company, Inc. Cheriton, Va."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of the presence of an excessive percentage of ruptured peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On February 11, 1935, the G. L. Webster Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that the labels be removed from the cans and that new labels bearing the substandard legend be affixed thereto.

M. L. WILSON, *Acting Secretary of Agriculture.*

24412. Adulteration of apples. U. S. v. 25 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34537. Sample no. 23498-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 27, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bushels of apples at Essex, Mo., alleging that the article had been shipped in interstate commerce on or about October 23, 1934, by O. C. Pruitt, from Cobden, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 4, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24413. Adulteration and misbranding of canned tomato paste. U. S. v. 460 Cases of Canned Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 34564. Sample no. 25550-B.)

This case involved an interstate shipment of canned tomato paste that was adulterated because of the presence of excessive mold. It was also misbranded since it was a product of domestic manufacture and was labeled to convey the impression that it was of foreign origin, and since it contained artificial color which was not plainly and conspicuously declared.

On December 14, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 460 cases of canned tomato paste at Wauwatosa, Wis., alleging that the article had been shipped in interstate commerce on or about October 18, 1934, by the Helen Packing Corporation, from North Collins, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ital-Ama Brand Tomato Paste with Sweet Basil Naples Style Made from Whole Tomatoes 6 Ozs. Net Salsa Di Pomodoro Con Basilico Uso-Napoli Packed by Helen Packing Corp. North Collins, N. Y. Pure Color Added."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged in that the statements on the label, "Ital Ama", "Uso Napoli", and "Naples Style", were misleading and tended to deceive